

Humanity in Crisis: A Historical Re-interpretation of Human Rights Violation in 1971 Bangladesh Liberation War

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Abstract: *War and violations of human rights are probably the two sides of the same coin. The case of Bangladesh's liberation war was in no way exceptional to that saying. It was not only a Civil War but a war of independence, a war of salvation to the suffering humanity. This war faced every kind of Human Rights violations regarding large scale migration, rape of the women and minors, Conversion, distortion of facts, censorship of media reports, indiscriminate killing, and racial hatred and trampling of the right to and self-determination. It was a war which saw the worst kind of Human Rights violation where 3,000,000 civilians confronted death, 8,00000- 10,00000 people took refuge in neighboring India and 200000-400000 woman including minor girls and children were raped by Pakistani soldiers. Considering the crisis India intervened in the matter as it was becoming a turbulent situation for India in every aspect of economy and polity. India had to choose the military option to solve the unprecedented manmade disaster caused by the Pakistani perpetrators.*

Keywords: Human rights, War, Refugee, Crime, Bangladesh, Military, Humanity, Democracy.

The Great Partition of 1947 created a vortex in the Indian subcontinent. The Two Nation Theory as championed by Muslim League and populated by Md. Ali Jinnah resulted in two Sovereign States – India and Pakistan. Pakistan consisted of two wings (East & West) having a wide territorial gap of 1600 kilometers of Indian Territory. The Muslim population of Pakistan expected the fulfillment of their cherished dream of enjoying separate nationhood with pride, dignity, and equal government opportunity. The dream remained unfulfilled as the emotions of Eastern wing (modern Bangladesh) was shattered by the West Pakistani ruling elites. The East Pakistani Muslims found them deprived in their own homeland. Despite the separate entity, East Pakistan was close to Bengali culture, history, tradition, choice, literature, art, music films, and many other aspects of life. It possessed little bonding to culture and emotions with Western Part of Pakistan. ¹ All the important portfolios were captured by the Western elites leaving some insignificant posts for the Eastern Wing. Soon language became the issue of confrontation. In 1947, in the Karachi education summit, Urdu was selected as the only state language. Not only that, Bengali was removed from the list of approved languages in Pakistan. Soon protest erupted in entire Bangladesh demanding the recognition of Bengali Language. Among the total Pakistani population, Bengalis were the majority in percentage. The students' protest began in front of Dhaka University on 21st February 1952. At first, to stop the movement, the police enforced section 144. Some students were arrested on the charge of violating section 144. The news of arrest enraged other students also. Some students tried to enter the premises of the Bengal Legislative Assembly. Police opened fire indiscriminately that led to the death of 9 students and the injury of other students also.

The death of the students caused a widespread mass movement for the recognition of the Bengali language. Their freedom of expression, their choice of language was not honored by the West Pakistani ruling elites. As the mass movement was turning in a violent direction, the constituent Assembly in 1959 passed the resolution to recognize Bengali as a second official language of Pakistan. This recognition was not of the end to the exploitation of the West Pakistani ruling class. East Pakistan became the supplier of raw materials to the growth of industries in West Pakistan. In return the share was minimal. The standard of living was very poor. The exploitation was so severe and structured that East Pakistan became weaker day by day. ² The foreign funds allocated to East Pakistan were minimal in percentage. The huge American economic aid was allocated to the Western wing while the share to East Pakistan was very poor. ³ East Pakistan was the hub for foreign exports but gained a very little share of the total imports. ⁴ The economic plans were oriented to West Pakistan. West Pakistan gained Green Revolution owing to its facility in connection with irrigation, Power generation, devoted fertilizer, technology and so on. The Eastern wing confronted exploitation from time to time. ⁵ Regarding the representation in Civil Services, the graph of exploitation to the eastern wing did not alter. The National Assembly was informed that only 36 percent of Eastern Pakistani Citizens were enlisted in Public Services. ⁶ The Children of the Eastern Wing were deprived of the right to elementary education. On the other hand, the West Pakistani Children had better access to elementary education. This was a deliberate attempt to enrich West Pakistan in every sphere of the standard of living. ⁷ Regarding the principles of one man one vote and proportional representation of the total population in the National Assembly, the demands of the Eastern wing were ignored by the West Pakistani ruling class. The demand for regional autonomy was not fulfilled also. It was not expected to the West Pakistani rulers that the Eastern wing would get a majority in the Parliament. ⁸ Following a military coup, Yahya Khan took over the charge of Pakistan in 1969. He announced his intention to form a constitutional government based on adult franchise. ⁹ He also accepted the long-cherished Eastern Wings demand of 'one man, one vote' principle. ¹⁰ Regarding the demand for regional autonomy, it was promised that a balanced decision could be adopted only after the meeting of the newly constituted National Assembly after the election result. An LFO (Legal Framework Order) was issued by President Yahya Khan declaring 5th October 1970 as the fixed election date. In the meantime, a devastating flood inundated a vast area of Eastern wing causing deaths to many. The crops of many hectares were wasted. The normal life was hindered. The election was postponed and rescheduled on 7th December 1970. ¹¹ In November 1970, East Pakistan was severely affected by a devastating cyclone which caused death to nearly 500,000 people. It was deadliest of the tropical cyclones in South Asia. The West Pakistani ruling elites did nothing to remove the plight of the wretched people. The help began to reach inadequately. The relief works were not administered properly. The intention of the administration was questioned by the International media. The Army was called to rescue operations after two days of the cyclone hit the entire area. ¹² Yahya

Khan went to China rather than visiting the affected areas. After one week, he announced a day scheduled to National Mourning. Only one transport carrier via air was allocated to East Pakistan. Later Yahya admitted the lack of co-ordination in relief work. His mere admission did not remove the plight of the distressed people. Millions were rendered homeless. The administration was callous and indifferent to deal with the situation.¹³ The students marched in front of Dhaka University protesting against the administration and demanding speedy relief work.¹⁴ Popular East Pakistani Leader Moulana Bhashani demanded the resignation of Yahya Khan owing to his inefficiency in handling the situation. The donations given by the international community did not reach to the affected people.¹⁵ The Newspaper like Pakistan observer and Ittefaq were very critical to Yahya Khan and published regular columns to let the world know about the wretched conditions of the storm affected people of Eastern wing. The Indian Government announced to extend 50 million rupees grant in aid to East Pakistan and provided necessary relief works like medicine, fuel, clothes, and bleaching powder to support the daily living at the distressed people. The Indian aid was denied by air and hence it was provided by road which delayed the relief work further. A Huge American relief grant was sent back due to a lack of proper coordination and distribution.¹⁶ In the meantime, Yahya Khan announced of conducting the general election on 7th Dec. except for some storm-affected centers of East Pakistan.¹⁷ Yahya Khan further commented on his support of Eastern wings' demand for more political power. It was his pretention to announce as it he was ready to after regional autonomy to Eastern wing if the general mandate had gone in favor of Eastern wing.¹⁸

Meanwhile, the election procedures were completed by 17th January 1971. The result was a spectacular success of the Awami League. Nobody anticipated the kind of success of the Awami League. Out of 169 seats allocated to East Pakistan, the Awami League gained a clean sweep. It bagged a total of 167 seats for the National Assembly and 298 seats out of 310 seats for the provincial legislative assembly. PPP led by Zulfikar Ali Bhutto was able to bag only 83 seats out of 144 seats allocated to West Pakistan. However, it gained an absolute majority in Sindh and Punjab. The result of the National Assembly gave Sheikh Mujibur Rahman the 'legal and moral right' to form a Govt. and lead Pakistan as a whole. In January 14th, 1971 Yahya recognized Sheikh Mujibur Rahman as the future Prime Minister of Pakistan and assured to transfer of Power without much delay.¹⁹ Yahya's address in Press conference of 14th January raised a new hope in East Pakistan (Modern day Bangladesh). But, the situation turned in different directions afterward. The ruling elites of West Pakistan did not agree to transfer the power to Sheikh Mujibur Rahman and henceforth asked Yahya Khan to go slow regarding this matter. Yahya Khan had three alternatives to delay the transfer of power.²⁰

Firstly, he could allow the Awami League to frame a constitution. Then, it could be canceled by the President's LFO.

Secondly, Both Bhutto and Mujib could be provoked at each other to grab power and thereafter compelled Mujib to dilute his six-point program.

Thirdly, a deliberate deadlock could be retained and President's rule could be enforced thereafter. With the three options in hand, Yahya approached both Mujib and Bhutto wishing a congratulatory message to both of them. It was a matter of surprise that why Bhutto was chosen for the congratulatory message.²¹ He demanded a coalition Government by PPP and Awami League to extend the National Solidarity. As expected, The Awami League opposed this kind of 'conspiracy' and claimed its legal and moral right to form a government by its absolute majority. The situation began to be deteriorated and tensed day by day. Both sides were not agreed to compromise in any way. The administration of the Eastern wing failed to control the Law and Order situation. Demonstrations and wide-scale protest movements erupted in different parts of East Pakistan. Feeling the pressure, Yahya convened the first meeting of the National Assembly on 3rd March 1971 in Dhaka. Bhutto threatened to boycott the Assembly and resignation of all the PPP MPs if the Assembly was convened in Dhaka. Yahya was searching for an excuse to postpone National Assembly. On 30th January 1971, the hijacking of an Indian Passenger plane named Ganga to Lahore and it's subsequently blown up raised tension among the two Nations. India accused Pakistan of conspiracy and Pakistan blamed India for fomenting tension across the border.²² Yahya took the opportunity to postpone the meeting of the National Assembly for an indefinite time, announcing the aspects of National security were in danger due to foreign conspiracy.²³ Yahya's announcement triggered mass outrage across Eastern Pakistan. Strikes were called to impair the administrative machinery. On 2nd March, Mujibur Rahman asked the shopkeepers and business establishments to participate in the strike. On 3rd March 1971, at Paltan Maidan, Dhaka, Mujibur Rahman's declaration of beginning a non-violent, non-co-operation movement demanding its legitimate claim to form a Government, further escalated tension. From 4th March 1971 Mujib's house was used as Bangladesh Secretariat from where directives and orders were circulated. These directives were issued in the name of Bangladesh appealing to be united and maintain law and order situation.²⁴ Under the purview of the above situation, Yahya suddenly announced to convene the meeting of the National Assembly on 25th March 1971 and blamed Mujib for his illogical insistence. On 7th March, Lt. Gen. Tikka Khan, familiar as the butcher of Bengal, took over the charge of Governor of East Pakistan. His arrival raised apprehensions among the people of East Pakistan. Martial Law was imposed on the pretext of deteriorating law and order situation. On 7th March, Mujib announced that he would attend the meeting of the national assembly only after the withdrawal of martial law, and impartial judicial inquiry of the police firing on 2nd march. Mujib asked to close all government offices including High courts and educational institutions. The workers of the railway department and port were asked to disobey the orders of the West Pakistani rulers. The audio-visual media were asked to give proper and adequate coverage of Awami League's activities. The Action committees were set up to resist the atrocities of the Army.²⁵ Flags of Independent Bangladesh were raised. The members of the East Pakistani Rifles expressed their allegiance to Mujibar Rahma. On 14th March, disobeying the order of Martial Law, the EPR took out a

procession and stopped in front of Mujib's House and declared their support to Mujibur Rahman's struggle. When Yahya Khan reached East Pakistan on 16th March, the whole administration went under the control of Sheikh Mujibur Rahman. Later in an official meeting with Yahya Khan, the senior Army officers sought permission from Yahya Khan to begin 'action' against the leaders of East Pakistan. Tikka Khan officially requested General Yahya Khan to give him just one week to stop all the 'nuisances'.²⁶ On 23rd March, Mujibur Rahman, and Yahya Khan met in an official meeting. It was reported that both were agreed to withdraw Martial Law and official transfer of power. A draft constitution was submitted to Yahya Khan acknowledging the confederation of Pakistan with two separate constitutions.²⁷ 23rd March was the Republic Day of Pakistan. The embarrassing situation came when the Bangladeshi Flags were hoisted in place of Pakistani Flags. The students' Action Committee observed the day as resistance day to strengthen the struggle for Independence. Dhaka Radio Station was alerted to air the message of Sheikh Mujibur Rahman. Meanwhile, troops with modern arms and ammunitions reached to East Pakistan. Tanks, Machine guns were prepared for 'operation'. The Draft constitution on the part of Eastern Pakistan placed before Yahya Khan was rejected without giving any cause. The nocturnal march of the troops became a routine. The decision of a military crackdown was already taken. All preparations were completed by 24th March. 25th March was the final day to execute the operation. At about 11.30 pm the West Pakistani troops began their movement. They reached their target areas such as Dhaka University Campus, the Dhanmondi area, the residence of Mujib. The first mortar shell was fired in front of Mujib's residence. In a radio message, Mujib declared the independence of Bangladesh and asked the Bangladeshis to resist all kinds of oppression, domination, hegemony to liberate motherland. He appealed to the people to keep the struggle on until the victory was achieved and the last soldier of The Pakistani army was expelled from the land.²⁸ The entire Dhaka fell under heavy firings. A total blackout was ordered by Army HQ. Telephones and telegraphs were cut off. Special service Groups commandos cordoned Mujib's residence and arrested him in the very night. Dhaka University Campus confronted the worst kind of bloodshed. The resident students and teachers were shot indiscriminately. A large number of intellectuals including professors, writers, doctors, newspaper editors were killed at point-blank range. It was reported that with the help of Al Badar's (a fundamental Islamic Organization) students' wing more than 3000 intellectuals were put to death on the same night. The operation was codenamed 'Operation searchlight'.²⁹ The Hindu populations were their soft targets. On the morning of the 26th March, Tikka Khan announced the proclamation of Martial Law all over Eastern Pakistan. Some 50,000 people were eliminated at gunpoint. On the morning of 27th march, the 80 percent population of Dhaka fled the city. Some 15000 people were also killed in and around Dhaka. Arson, loot, and rape were organized rampantly. Air operations were conducted with heavy bombings to create panic among the masses. Hospitals and medical centers were not spared. It was an organized massacre. In the meantime, on 26th March 1971, Maj Ziaur Rahman announced air message to the people of Eastern wing that independent Bangladesh had been established under the leadership of

Bangabandhu Sheikh Mujibur Rahman.³⁰ On 10th April, an exiled interim Government was set up in India. The diplomats of the Deputy High Commission of Kolkata paid their allegiance to the Republic of Bangladesh. Two Bengali Diplomats in Pakistan High Commission of New Delhi denied to act in favor of Pakistan and prayed political shelter to India. This was approved by the Govt. of India. Lt. Gen. A.A.K. Niazi ordered to secure the border posts. Indian Border security force (BSF) was alert. They had sympathy for the fighting Eastern Pakistani people. The Pakistani soldiers began to intrude into Indian soil with an effort to chase the rebels. The BSF Personnel was ordered to hit back the 'enemy' in a befitting manner. On 11th April Bangladesh liberation Army was set up with Col. Osmani took the charge of commander in Chief. Indian Army began to train the members of the 'Mukti' Bahini'. They were specially trained to adopt guerilla warfare tactics.³¹ The inhuman atrocities forced the East Pakistani Bengalis to take refuge in India. Nearly 10 million people had migrated to India. The refugee influx was so heavy that the creation of Pakistan based on religion proved a futile tactic adopted by Jinnah to gain Pakistan from the British Government. A member of the British parliamentary delegation visited East Pakistan and the refugee camps across India and reported the severity of violence. US senator Proxmire mentioned in his statement that the Pakistani Army was conducting its operations ignoring all the aspects of human values. He further accused the Army of behaving like vampires.³² Anthony Mascarenhas, the famous journalist and Assistant editor of Sunday Times described the cruelties as Barbaric. The Washington Post marked these incidents as a calamity to Eastern Pakistani people and compared the violence with the holocaust organized by Hitler.³³ India extended her helping hand towards the refugees. The State Governments were asked to provide necessary relief work in this regard. The officers in charge of handing the camps were instructed to draw the necessary amount from the treasury to provide food, clothes, and tents. By 3rd June 1971, 509 refugee camps were established. All the available buildings were used to give shelter to the refugees. In Kolkata, the Eastern part of the salt lake area was refluxed with refugees. 1000 additional beds were allocated to treat the refugees' special water supply and health care camps were organized. West Bengal and Tripura was worst affected by the burden of the refugees. The Govt. of India, decided to shift the huge number of refugees to other states of India. India appealed to UNO to assist in this regard. P.M. informed the parliament of having a very little grant from the International community including UNO. On 14th May 1971, the Govt. of India asked Pakistan to create a positive atmosphere for the safe passage of the refugees. The GOI claimed compensations from Pakistan to maintain its economic balance sheet³⁴

Indian P.M. raised concern in the Parliament over the increasing economic burden. She was anxious about India's overall security also. David Loshak the noted journalist of Daily Telegraph also pointed out India's economic burden. The Strait Times of Kualalumpur described the situations as intolerable to India.³⁵ Faced by the criticism, Yahya Government was agreed to take back bona fide citizens of Pakistani. India's target was to compel Yahya to come under a political settlement. India supported the liberation movement wholeheartedly. India's concern was to protect the suffering of humanity

caused by the terror of the Pakistani Army. India appealed to the International Community to intervene in the matter. On 24th May in a speech in Rajyasabha, Indira Gandhi clearly stated that India would take appropriate actions if the world community proved to be failed in this regard. ³⁶ The UNHCR Condemned the Pakistani atrocities. The UNHCR team paid a visit to different refugee camps and praised the role of India to promote humanity in the region. The reputed newspapers like the New York Times, Sydney Morning Herald, The Age, The Times (London), Sunday Times (London), The New Herald (Kathmandu), The Straits Echo (Malaysia) and other newspapers of different countries praised the Indian humanitarian approach to the refugees. ³⁷ To mobilize the International opinion in favor of India, Indira Gandhi went to states visit including the key countries in North America, Western Europe and Asia. India offered a political solution to the problem. New Delhi reacted sharply at the U.N.O.'s proposal of withdrawing troops of both the Nations from the border and de-escalation of tensions. Pakistan's tilt to U.S.A. and China was a worrisome situation to India. India took a strategic decision to sign a peace accord with USSR for 20 yrs in August 1971. Anti-Indian elements accused India of drifting to its ideology of non-alignment. India refuted this aggression and cleared that NAM did not mean to ignore the 'reality' ³⁸

India was thinking to use a military option to have a political solution to the humanitarian crisis. However, Gen. Manekshaw thought of beginning the war in winter. Both sides prepared and mobilized the army across the strategic locations of the borders. The three wings (Infantry, Air force, and Navy) were alerted accordingly. On 3rd Dec., at 4.45 pm Pakistan made a pre-emptive airstrike at twelve air force bases of India. India immediately announced its compulsion to go into a war with Pakistan. From the next day, both sides were engaged in frequent air operations. The Army and the Navy were deployed according to the plan of War. Indian Army showed its superiority across the land, air and sea operations. Indian Navy successfully blocked the Bay of Bengal and created hindrance to the supply of arms and ammunitions to the Pakistani Army. Indian submarines reached close to Karachi Port and it came under the range of Indian navy immediately. PAF was in no equally to IAF. IAF was able to create a panic in the psychology of the Pakistani Army. Pakistan lost more aircraft in Comparison to India. ³⁹ To divide the strength of the Indian Army, Pakistan opened another front in the Western sector across Jammu and Kashmir, Rajasthan and Gujrat borders. However, they failed to have an effective impact on the Indian Army. The war proved to be a decisive one in favor of India. The Pakistani command system failed in every aspect of the war. India followed a 'blitzkrieg' technique to penetrate the Pakistani defense lines across the borders. On 16th December, the Pakistani Army understood its incapability of continuing the war with India. Nearly 90,000 Pakistani soldiers surrendered their arms and ammunition to India's authority. The instrument of surrender was signed by Lt. Gen. A.A.K. Niazi.

The fall of Pakistan and the surrender of its army ultimately solved the crisis. Despite victory in a wide range, India remained restrained. India decided to release the POWs according to the Geneva Convention of 1956. Thereafter, India signed the Simla Agreement (1972) with Pakistan and agreed to solve all the existing conflicts by bilateral

meetings. Both sides agreed to retain the Status Quo across the LOC⁴⁰. India appeared as the Champion of promoting the three great ideals of democracy –liberty, equality, and fraternity. The crisis of humanity was solved by the India’s effort in pioneering the core human values. Humanity regained its dignity against all kinds of injustice, oppression, and hegemony. According to the speech of the then Indian Prime Minister Indira Gandhi in the Indian parliament, justifies India’s humanitarian approach,

“ ... All nations who value the human spirit will recognize it as a significant milestone in man’s quest for liberty.”⁴¹

Notes and References

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